

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:05-CR-163

v.

HON. ROBERT HOLMES BELL

LATRICIA CAPRI TAYLOR,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #1027). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel on behalf of the defendant, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was originally charged in a Third Superseding Indictment alleging Conspiracy to Distribute and Possess with Intent to Distribute Cocaine Base, Cocaine, Heroin and Marijuana, and Possession with Intent to Distribute Heroin and Cocaine Base. On January 18, 2007, defendant pled guilty to a Superseding Information charging Unlawful Use of a Communications Facility. The charge carried a maximum term of custody of 4 years. Because of the statutory maximum, the amended guideline calculation does not result in a lower guideline range. The defendant argues that she should be

afforded an opportunity for a reduction of her 48-month sentence to be consistent with the congressional intent to reduce crack related sentences. This Court respectfully disagrees. The fact that defendant was afforded the opportunity to plead to an Information with a statutory maximum sentence of 4 years appears to have adequately addressed the purpose behind the amendments to the crack cocaine guidelines.

ACCORDINGLY, defendant's motion is hereby **DENIED**.

Date: March 2, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE